C.S. 1000/ — SINGLE BENCH (P) 3

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P. NO. 2046 /2006

PETITIONER :

1 Punni Lal Yadav S/o Mahettar Ram Yadav aged about 44 years R/o Vill- Amsena Tah & Dist. Bilaspur (C.G.)

2. Chandrakanat Sharma S/o Chinta Ram Sharma Aged about 42 Years R/o Gali No. 4 Near Bajrang Rahi New Sarkanda Tah&Dist. Bilaspur

3. Harishanker Bhardwaj S/o Moti Ram Bhardwaj aged about 40 years R/o Vill- Dhurwakari P.O. Pachpedhi Thana- Masturi Dist. Bilaspur

4. Sarif Lal Bhardwaj S/o R.B. Bhardwaj aged about Years 39 R/o Village- Dhurwakari P.O. Pachpedhi Thana- Masturi Dist. Bilaspur C.G.

5. Ravindra Sharma S/o Shri Makhan Lal Sharma aged about 41 years R/o Village- Seepat Road Ashok Nager Opp. Saraswati Shishu Mandir Bilaspur (C.G.)

6. Pardeshi Kumar Nirmalkar S/o Shri Dhelu Ram Nirmalkar aged about 36 years R/o Village- Senwar P.O. Senwar Tab- Belha Bilaspur (C.G.)

7. Sewak Ram Kersh S/o Latel Ram aged about 38 years R/o Post- Sakarra P.S. Hirri Dsit. Bilaspur (C.G.)

8. Govardhan prasad Kousaik S/O R K Kousaik aged about 38 years R/o Post- Ghutku P.S. sarkanda tah

P.R. No. 869/06
Presented by Shri Sanjay Singh
dated 16/12/06

OATH COMMISSIONER APARNA MISHRA CG-2373/98 Bilaspur Chhattisgarh

(2) (47)

thakatpur Dsit. Bilaspur (C.G.)

9. Vyash Narayan Kaushik S/o Balaram Kaushik aged about 38 years R/o Village-Amsena Tah – Takhatpur Dist. Bilaspur (C.G..)

10. Dev Prasad Kaushik S/o Ram Sahay Kaushik aged about 42 years R/o Village-Amsena Tah – Takhatpur Dist. Bilaspur (C.G.)

VERSUS

RESPONDENTS :

1 State of Chhattisgarh Through – the Secretary General Administration Department D.K.S. Building Raipur (C.G.)

2. Collector Bilaspur , Tahsil and District Bilaspur (C.G.)

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WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA.

XI-HC-22

(109)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.2046/ सन् 2006

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

27-4-2006

Mrs. Renu Kochar, counsel for the petitioners.

Mrs. Ashutosh Singh Kachwaha, Govt. Advocate for the State/respondents.

Heard both the counsel.

The petitioners have preferred this writ petition under Article 226/227 of the Constitution of India, seeking relief that the respondents may be directed to absorb the petitioners in any vacant appropriate available post or to work out a scheme to absorb the petitioners in appropriate employment.

The petitioners' case is that the petitioners were appointed in the Census Department as Compilers on contract for specified durations. The work of the petitioners was found satisfactory and the competent officers issued good conduct certificate to the petitioners. The petitioners were retrenched by the authority on the reasoning of winding up of the Regional Tabulation Office. The Government of Madhya Pradesh was the mother State and the present State of Chhattisgarh is the part of the State of Madhya Pradesh, therefore, the respondents are treating the petitioners as surplus employees. The petitioners must be given priority in the matter of appointment on similar posts as per the circular dated 15th October, 1991 issued by the erstwhile State of Madhya Pradesh. On 19-2-2001, the State of Chhattisgarh also said that these employees are to be treated as surplus employees. Earlier as per circular dated 27-2-1982 (Annexure P-8) retrenched employees of the Census Department were given appointment. The Apex Court also gave similar direction in the matter of

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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Govt. of Tamil Nadu and another vs. G. Mohamed Ameenuddin and others reported in AIR 1999 Supreme Court 2202.

Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, in view of the above circulars and judgment of the Apex Court, as and when the posts are available the petitioners' case should also be considered for appointment treating them as surplus employees and for that purpose, the petitioners can approach respondent No.1 with appropriate representation.

With the direction aforesaid, the petition stands disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C. Bhadoo
Judge

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